AN ORDINANCE OF THE LINCOLNTON CITY COUNCIL AMENDING THE LINCOLNTON CODE OF ORDINANCES PERMITTING THE CREATION OF SOCIAL DISTRICTS WITH THE CITY OF LINCOLNTON

WHEREAS, Session Law 2021-150 for ABC Social Districts was ratified on September 8 2021; and

WHEREAS, the law allows governing bodies of local government units to establish Social Districts and common areas where Permittees may sell alcoholic beverages in designated cups to be taken into the common area for consumption; and

WHEREAS, the City Council desires to establish and manage a Social District in accordance with G.S. 160A-205.4 and Chapter 18B; and

WHEREAS, the City Council finds that the designation of Social Districts pursuant to the Act is in the best interest of the citizens and businesses of the City of Lincolnton; and

WHEREAS, the City Council designates the Social District shown in the Ordinance as permitted by G.S.160A-205.4 and Chapter 18B.

NOW. THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton, North Carolina, that Chapter 10, Section 10.05 Definitions and Chapter 131, Section 131.01 Drinking in Public, is hereby amended as follows:

10.05 – Definitions - Add

(B) Social District means an outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee within the boundaries of the Social District.

131.01 – Drinking in Public – Add

Exception; Social District. The purpose of this ordinance (section) shall be to establish Social Districts within the City of Lincolnton to promote the health, safety and welfare of persons consuming alcoholic beverages pursuant to the provisions of North Carolina General Statutes 160A-205.4 seq. which allows for the creation of one or more Social Districts by the City.

1. General: The City hereby creates and designates the following Social District:

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(a) Downtown Lincolnton Social District which is designed as the area within the City as follows:

(attached as Exhibit A)

2. Management: The Social District shall be created, designed and managed in accordance with the requirements contained in North Carolina General Statutes Section 160A-205.4 and Chapter 18B.

3. Permittee: Any business establishment located within or contiguous to a Social District which holds a valid ABC permit designed to engage as a Social District participant must apply for and obtain a Social District permit from the Planning Department of the City at no cost to the applicant. The establishment shall be responsible to operate its business in accordance with all City and State ordinances, laws, rules, regulations, and the operations plan governing Social District activities.

4. Violation: Any person violating this section, and any person who aids, abets, encourages, assist, or contributes to such consumption, and any person who, having control of the premises where such consumption occurs in violation of this section, willfully permits or allows such consumption to occur, shall be guilty of a misdemeanor.

5. Severability: If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining potions thereof.

6. Repealed: All ordinances or provisions of the Lincolnton Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

Adopted this 7th day of March, 2024.

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Ed Hatley, Mayor

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Daphne Ingram, City Clerk

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